

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

VERONICA BUTLER,	)	
Wife of ANTHONY BUTLER, Deceased,	)	
	)	
Plaintiff,	)	
	)	No. 4:14-cv-00094-JAR
v.	)	
	)	
PAM TRANSPORT INC.,	)	
WADE E. MCCLURE,	)	
USA TRUCK INC.,	)	
TROY A. COFFELT,	)	
FUREX INC.,	)	
and	)	
	)	
IVAN M. CHEPYNETS,	)	
	)	
Defendants.	)	

JOINT STIPULATION OF UNCONTESTED FACTS (PROPOSED)

Counsel for Plaintiff and counsel for Defendants have conferred and are unable to agree to a Joint Stipulation of Uncontested Facts; thus, Plaintiff is filing her proposed facts.

1. Plaintiff Veronica Butler is, and was at all times relevant to this case, a citizen and resident of the State of Tennessee. Mrs. Butler is the widow of Anthony Butler.

2. Defendant PAM Transport, Inc. is, and was at all times relevant to this case, an Arkansas corporation with its principle place of business in the State of Arkansas.

3. Defendant Wade E. McClure is, and was at all times relevant to this case, a citizen and resident of the State of Arkansas and was employed by Defendant PAM Transport, Inc. as a truck driver.

4. Defendant USA Truck, Inc. is, and was at all times relevant to this case, an Arkansas corporation with its principle place of business in the State of Arkansas.

5. Defendant Troy A. Coffelt is, and was at all times relevant to this case, a citizen and resident of the State of South Dakota and was employed by Defendant USA Truck, Inc. as a truck driver.

6. Defendant Furex, Inc. is, and was at all times relevant to this case, an Illinois corporation with its principle place of business in the State of Illinois.

7. Defendant Ivan M. Chepynets is, and was at all times relevant to this case, a citizen and resident of the State of Illinois and was employed by Defendant Furex, Inc. as a truck driver.

8. This action arises from a multi-vehicle accident that occurred on the rest area exit ramp near mile marker 178 along eastbound Interstate 44 on May 21, 2011 at approximately 2:55 a.m. when Kevin Cavanaugh was operating a tractor-trailer owned by C.R. England eastbound on Interstate 44 in Phelps County, Missouri, near the intersection with Route C. Cavanaugh exited the roadway, traveling into the grassy area between the interstate lanes of travel and the exit ramp. Once the vehicle operated by Cavanaugh left the asphalt portion of the roadway, it began to overturn. The tractor-trailer struck a highway sign, and struck the rear of a tractor-trailer owned by PAM Transport. As a result of the impact, the tractor-trailer owned by PAM Transport collided with the tractor-trailer owned by USA Truck. The tractor-trailer operated by Cavanaugh then proceeded to collide with a tractor-trailer owned by Furex. Plaintiff Veronica Butler's decedent, Anthony Butler, was in the sleeper berth of the tractor-trailer operated by Cavanaugh. Plaintiff alleges that the actions of the defendants caused or contributed to cause the death of her husband. The defendants deny these claims.

9. That at the time of the collisions, Plaintiff Veronica Butler's husband, Anthony Butler, was in the sleeper compartment of the tractor-trailer being operated by Mr. Cavanaugh, and Mr. Butler suffered blunt trauma injuries causing his death approximately 3 hours and 11 minutes after the collision while en route to the University of Missouri Medical Center via emergency helicopter.

10. That Plaintiff Veronica Butler filed suit against these Defendants seeking damages under the Missouri Wrongful Death Statute as the result of her husband's death, together with all damages that her husband, Anthony Butler, sustained before his death.

11. That the parties agree to the following brief summary of the case, which may be read at the beginning of voir dire:

This case involves Plaintiff Veronica Butler's claim that she is entitled to damages under the Missouri Wrongful Death Statute as the result of her husband Anthony Butler's death, together with all damages that Anthony Butler allegedly sustained before his death that he would have been entitled to recover had he lived.

This action arises from a multi-vehicle accident that occurred on the rest area exit ramp near mile marker 178 along eastbound Interstate 44 on May 21, 2011 at approximately 2:55 a.m. when Kevin Cavanaugh was operating a tractor-trailer owned by C.R. England eastbound on Interstate 44 in Phelps County, Missouri, near the intersection with Route C. Cavanaugh exited the roadway, traveling into the grassy area between the interstate lanes of travel and the exit ramp. Once the vehicle operated by Cavanaugh left the asphalt portion of the roadway, it began to overturn. The tractor-trailer struck a highway sign, and struck the rear of a tractor-trailer owned by PAM Transport. As a result of the impact, the tractor-trailer owned by PAM Transport collided with the tractor-trailer owned by USA Truck. The tractor-trailer operated by Cavanaugh then proceeded to collide with a tractor-trailer owned by Furex. Plaintiff Veronica Butler's decedent, Anthony Butler, was in the sleeper berth of the tractor-trailer operated by Cavanaugh.

At the time of the collisions, Defendant PAM Transport, Inc., Defendant USA Truck, Inc., and Defendant Furex, Inc.'s tractor-trailers were parked in unauthorized areas of the entrance (deceleration) ramp to a rest area. As a result of the collisions, Anthony Butler died. The Plaintiff alleges that the actions of the Defendants caused or contributed to cause the collision and the death of her husband. The Defendants deny these claims.



MOGAB & HUGHES ATTORNEYS, P.C.

BY: 

David G. Hughes #47676MO  
Richard L. Hughes #17481MO  
701 Market Street, Suite 1510  
St. Louis, Missouri 63101  
(314) 241-4477 (Telephone)  
(314) 241-4475 (Facsimile)  
[davidhughes@mogabandhughes.com](mailto:davidhughes@mogabandhughes.com)  
[richardhughes@mogabandhughes.com](mailto:richardhughes@mogabandhughes.com)

**Attorneys for Plaintiff**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the above and foregoing was sent via the Court's ecf filing notification system this 20 day of September, 2015, to:

Mr. K. Christopher Jayaram and Mr. Richard M. Acosta  
Horn, Aylward & Bandy, LLC  
2600 Grand Blvd., Suite 1100  
Kansas City, Missouri 64108

**Attorneys for Defts. PAM Transport and Wade E. McClure**

Mr. Joseph R. Swift and Mr. Kurt Schmid  
Brown & James, P.C.  
800 Market Street, Suite 1100  
St. Louis, Missouri 63101

**Attorneys for Defts. USA Truck, Inc. and Troy A. Coffelt**

Mr. Bradley C. Nielsen and Mr. Christopher A. Brackman  
Franke, Schultz & Mullen, P.C.  
8900 Ward Parkway  
Kansas City, Missouri 64114

**Attorneys for Defts. Furex, Inc. and Ivan M. Chepynets**

  
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David G. Hughes